

08 CIV 6254

A blue ink rectangular stamp with the word "RECEIVED" in large, outlined capital letters at the top. Below it, the date "JUL 10 2008" is stamped in red ink. At the bottom, the text "U.S.D.C. S.D. N.Y." and "CASHIERS" is stamped in blue ink. The stamp is slightly tilted.

Defendant.

Case No.

5. On information and belief, Defendant is in the business of distributing and selling various types of pet products, including certain dog and cat feeding bowls with disposable liners

therefor, known as "Feed and Toss Bowls," which products infringe the '241 Patent.

6. Defendant is offering for sale and selling such infringing products within this district and elsewhere throughout the United States directly through Bamboo's online web site at www.BambooPet.com, and both in-store and online through various other pet store retailers throughout the United States, including at least Petsmart, Inc. and Petco, Inc., as well as other online retailers, including at least Amazon.com.

II. JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, Title 35, United States Code.

8. This Court has subject matter jurisdiction of the action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this district court at least pursuant to 28 U.S.C. § 1391(c) and 1400(b).

9. This Court has jurisdiction over Munchkin, Inc. and its Bamboo Pet Division because they regularly transact business in the State of New York and have committed the aforesaid acts of patent infringement during the course of business in this district.

III. COUNT 1 (PATENT INFRINGEMENT)

10. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 9 as if fully set forth herein.

11. This is an action for damages and injunctive relief for patent infringement arising under the United States Patent Act, Title 35 of the United States Code.

12. Plaintiff is the sole owner and named inventor of the inventions disclosed and claimed in the '241 Patent.

13. Defendant distributes and sells products, including Feed and Toss Bowls and

disposable liners for use therewith, that infringe one or more claims of the '241 Patent.

14. Plaintiff gave notice to Defendant on or about June 1, 2007, that Defendant's sales, offers for sale and distribution of Feed and Toss Bowl products and disposable liners therefor infringe the '241 Patent. Nevertheless, on information and belief, Defendant has continued willfully to infringe the '241 Patent at all times since June 1, 2007, by selling, offering for sale and distributing said Feed and Toss Bowl products and disposable liners therefor.

15. Defendant will continue willfully to infringe the '241 Patent unless enjoined by this Court.

16. As a result of Defendant's infringing activities, Plaintiff has been irreparably damaged to an extent not yet determined and Plaintiff will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

17. Defendant's infringement of the '241 Patent alleged above has injured Plaintiff and Plaintiff is entitled to recover damages in an amount that adequately compensates Plaintiff for Defendant's infringement, which in no event can be less than a reasonable royalty.

IV. COUNT 2 (INDUCEMENT OF INFRINGEMENT)

18. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 17 as if fully set forth herein.

19. Defendant's aforesaid activities in distributing Feed and Toss Bowls to retailers throughout the United States, including at least Petsmart and Petco, for in-store and online sales, and to online retailers, including at least Amazon.com, constitutes inducement of infringement of the '241 Patent.

20. Defendant will continue to induce infringement of the '241 Patent unless enjoined by this Court.

21. As a result of Defendant's inducement of infringement, Plaintiff has been irreparably damaged to an extent not yet determined and Plaintiff will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of inducement of infringement.

22. Defendant's inducement of infringement of the '241 Patent alleged above has injured Plaintiff and Plaintiff is entitled to recover damages in an amount that adequately compensates Plaintiff for Defendant's infringement, which in no event can be less than a reasonable royalty.

V. COUNT 3 (CONTRIBUTORY INFRINGEMENT)

23. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 22 as if fully set forth herein.

24. Defendant's aforesaid activities in distributing Feed and Toss Bowls and disposable inserts for use therewith to retailers throughout the United States, including at least Petsmart and Petco for in-store and online sales, and to online retailers, including at least Amazon.com, constitutes contributory infringement of the '241 Patent.

25. On information and belief, Defendant will continue to contributorily infringe the '241 Patent unless enjoined by this Court.

26. As a result of Defendant's contributory infringement, Plaintiff has been irreparably damaged to an extent not yet determined and Plaintiff will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of contributory infringement.

27. Defendant's contributory infringement of the '241 Patent alleged above has injured Plaintiff and Plaintiff is entitled to recover damages in an amount that adequately compensates Plaintiff for Defendant's contributory infringement, which in no event can be less than a reasonable royalty.

WHEREFORE, Plaintiff prays for a judgment against Defendant, as follows:

- (a) That Defendant be declared to have infringed, induced others to infringe, and/or committed acts of contributory infringement with respect to the claims of the '241 Patent by selling, offering for sale and distributing Feed and Toss Bowl products and disposable liners therefor, and that said infringement be declared willful;
- (b) That Defendant, its officers, agents, servants, employees, parents, subsidiaries, divisions, affiliates, successors, and all others in active concert or participation with it or acting on its behalf, be permanently enjoined from further infringement of the '241 Patent.
- (c) That Defendant be ordered to account for and pay to Plaintiff all damages caused to said Plaintiff by reason of Defendant's infringement of the '241 Patent pursuant to 35 U.S.C. § 284, including enhanced damages for willful infringement;
- (d) That Plaintiff be granted pre-judgment interest on the damages caused to them by reason of Defendant's infringement of the '241 Patent;
- (e) That this matter be declared an exceptional case pursuant to 35 U.S.C. § 285 and that Defendant be ordered to pay Plaintiff's attorney fees and costs; and
- (f) That Plaintiff be granted such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38, Fed. R. Civ. P., Plaintiff hereby demands a trial by jury for all issues triable of right by a jury in this case.

Dated: July 7, 2008

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EXHIBIT A



US006644241B2

(12) **United States Patent**
Brown

(10) Patent No.: **US 6,644,241 B2**
(45) Date of Patent: **Nov. 11, 2003**

(54) **DISPOSABLE INSERT CONTAINING PET DISH APPARATUS**

(76) Inventor: **Karen M. Brown, 8 Northgate, Wanaque, NJ (US) 07465**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 145 days.

4,428,325 A	1/1984	Koch	
4,587,930 A	5/1986	Trego	
4,800,845 A	1/1989	Budd	
4,949,678 A	8/1990	Demko	
5,709,168 A	• 1/1998	Walker	119/61
5,782,374 A	• 7/1998	Walker	220/23.87
5,881,670 A	• 3/1999	Peiser	119/61
6,112,698 A	• 9/2000	Zelinger	119/61

* cited by examiner

(21) Appl. No.: **10/217,969**

(22) Filed: **Aug. 13, 2002**

(65) **Prior Publication Data**

US 2003/0033986 A1 Feb. 20, 2003

Related U.S. Application Data

(60) Provisional application No. 60/312,615, filed on Aug. 16, 2001.

(51) Int. Cl.⁷ **A01K 1/10; A01K 39/00; A01K 5/00**

(52) U.S. Cl. **119/61; 119/72; 119/51.01**

(58) Field of Search **119/72, 61, 51.01, 119/51.5, 74, 75, 76**

(56) **References Cited**

U.S. PATENT DOCUMENTS

4,257,353 A 3/1981 Imhoff

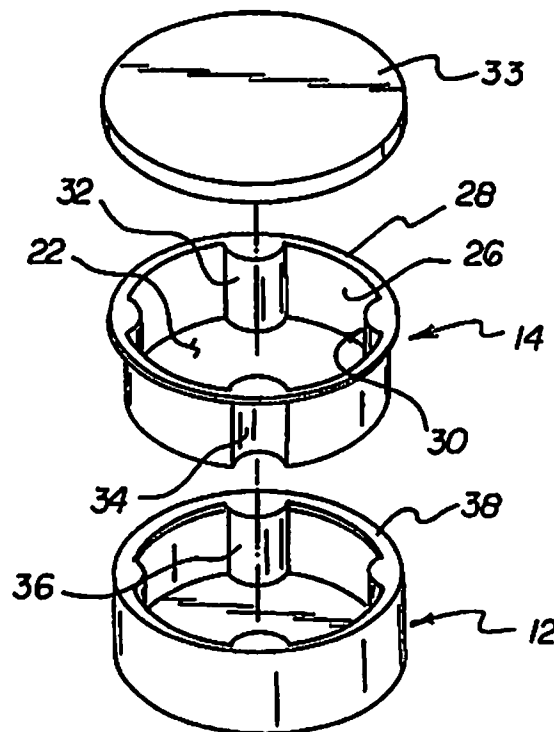
Primary Examiner—Charles T. Jordan

Assistant Examiner—Judith A. Nelson

(57) **ABSTRACT**

A pet dish apparatus includes a dish-shaped base unit which has a first dish lock portion in the form of an annular groove on an inside surface of the dish-shaped base unit and includes a dish member received in the dish-shaped base unit. The dish member includes a second dish lock portion in the form of an annular tongue on the outside surface of the dish member which is engageable with the first dish lock portion annular groove. The dish member is received in the dish-shaped base unit in a nesting manner. An annular peripheral top ring extends outward from a dish wall of the dish member. Two dish-shaped base units can be connected together with an annular peripheral top ring in a form of a figure-eight.

8 Claims, 3 Drawing Sheets



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FIG 1

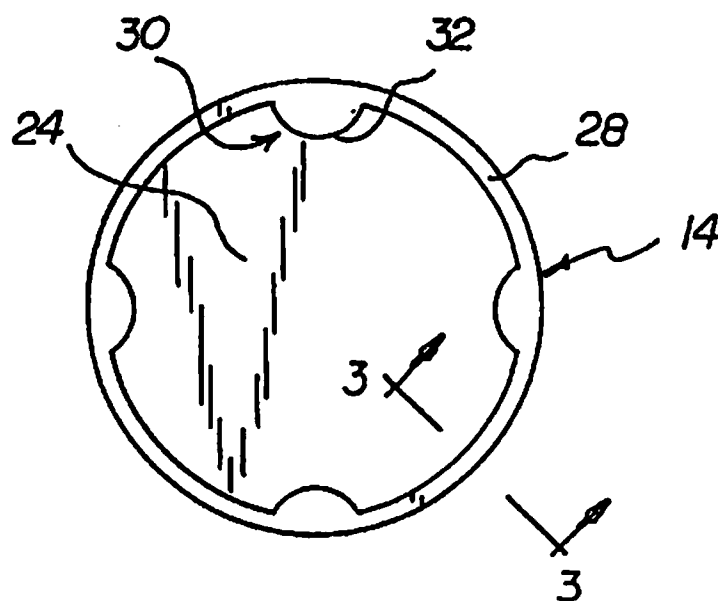
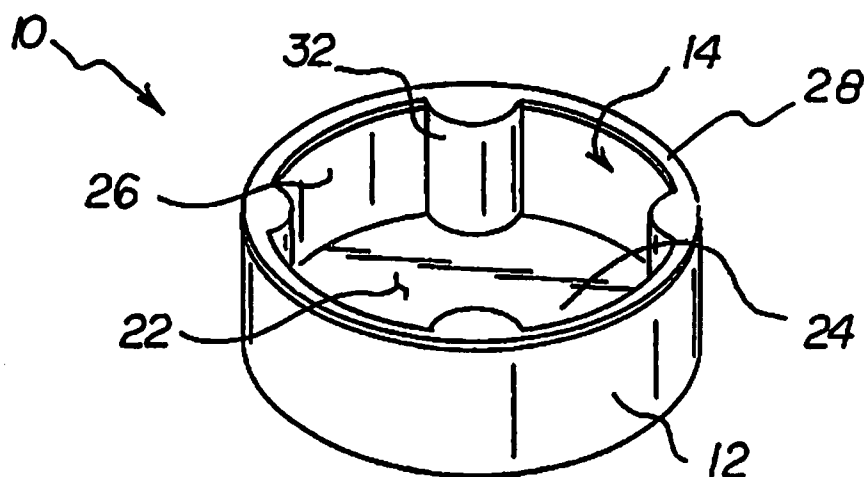


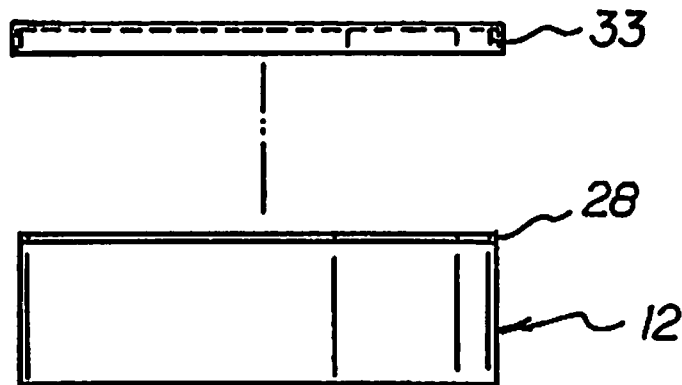
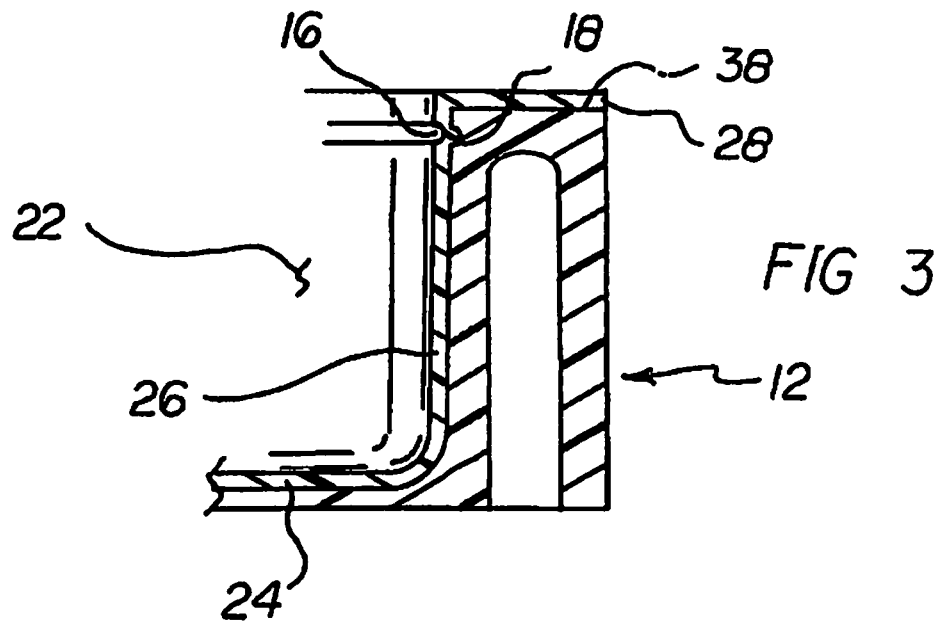
FIG 2

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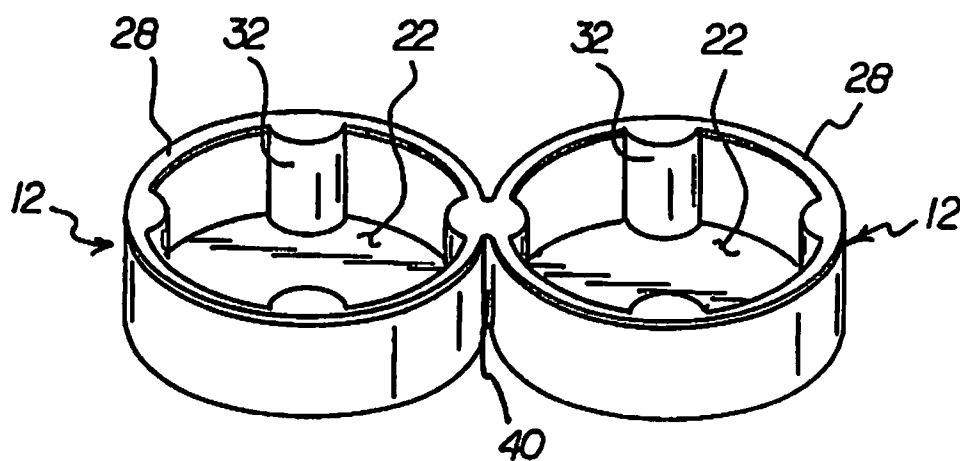
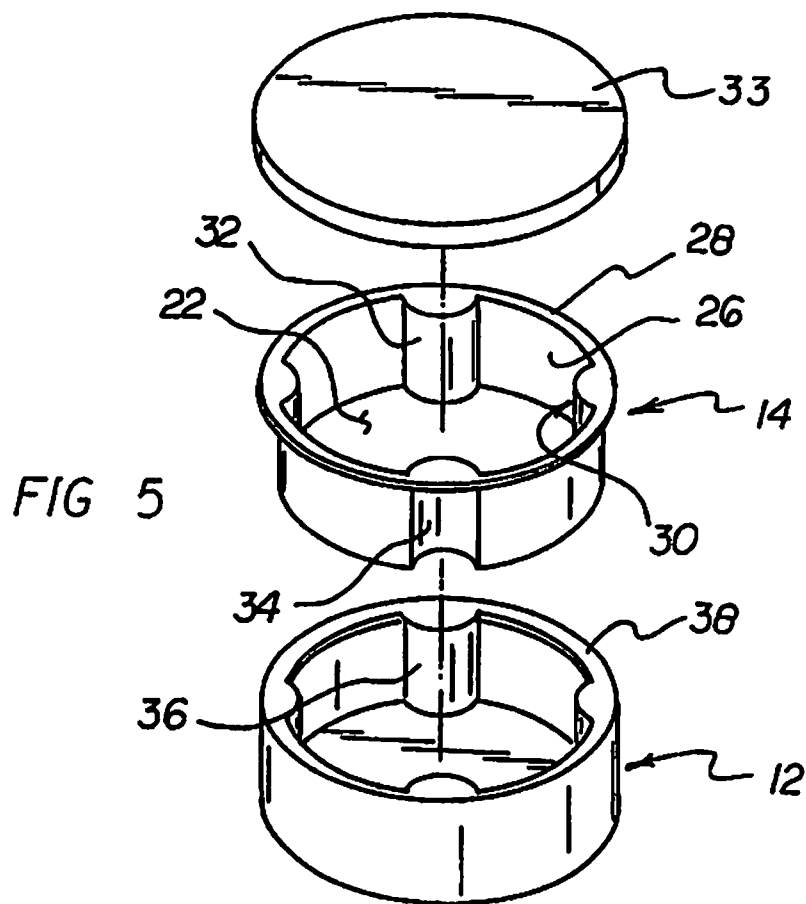


FIG 6

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**DISPOSABLE INSERT CONTAINING PET
DISH APPARATUS****CROSS-REFERENCE TO RELATED
APPLICATION**

This application claims priority based upon my copending Provisional Application Serial No. 60/312,615, filed Aug. 16, 2001.

BACKGROUND OF THE INVENTION**1. Field of the Invention**

The present invention relates generally to pet dishes, and, more particularly, to pet dishes that are especially adapted for being disposable.

2. Description of the Prior Art

Dishes specially adapted for use with pets are well known in the art. In addition, throughout the years, a number of innovations have been developed relating to disposable pet dishes, and the following U.S. patents are representative of some of those innovations: U.S. Pat. Nos. 4,257,353, 4,428,325, 4,587,930, 4,800,845, and 4,949,678. More specifically, U.S. Pat. No. 4,257,353 discloses a disposable pet dish that includes a skeleton-like frame for receiving and holding a disposable pet dish. The skeleton-like frame may be relatively lightweight resulting in less than optimum stability for the disposable pet dish. In this respect, it would be desirable if a disposable pet dish were provided with a support that is not skeleton-like and that provides optimum stability for the disposable pet dish.

U.S. Pat. No. 4,428,325 discloses a disposable pet dish that fits into a bowl-like base. The disposable pet dish has a large upper lip that fits over the top of the bowl-like base and extends downward along a portion of the side of the base. The outside surface of the base has grooves that receive complementary flange portions of the disposable pet dish. The engagement of the flange portions of the disposable pet dish with the grooves of the base provide a locking action between the disposable pet dish and the base. To provide for greater economy and simplicity in a disposable pet dish, it would be desirable if a disposable pet dish engages with its base on an inside portion of the base. Such an inside base engagement would eliminate the need for a large upper lip in a disposable pet dish that fits over the top of a bowl-like base and that extends downward along a portion of the side of the base.

U.S. Pat. No. 4,587,930 discloses a disposable pet dish which is supported by a base which is fixed to a wall. To provide greater flexibility of use, it would be desirable if a disposable pet dish were provided with a base that is freely moved from one location to another.

U.S. Pat. No. 4,800,845 discloses a disposable pet dish that fits into a base. The base has two disposable pet dish reception wells side by side. Although having two pet dish reception wells side by side may be desirable under some circumstances, there are other circumstances when a single, free standing disposable pet dish received in a single, free standing base would be desirable. Moreover, no lid is provided for this disposable pet dish. There are times when not all of the pet food is eaten, and it would be desirable to have a lid that fits over the disposable pet dish so that the leftover food can be preserved.

U.S. Pat. No. 4,949,678 discloses a disposable pet dish that is received in a base that has an adhesive patch on the bottom of the base. The adhesive patch is provided to give greater stability of the base to a surface upon which the base

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sits. If the surface upon which the base sits is wet, such an adhesive patch will most likely be ineffective. Moreover, the adhesive may stick to the surface, and time and effort may have to be expended to remove adhesive that sticks to a surface. In this respect, it would be desirable if a base for a disposable pet dish were provided that does not include an adhesive patch for affixing the base to a supporting surface.

Still other features would be desirable in a disposable insert containing pet dish apparatus. For example, for purposes of economy in using storage space, it would be desirable if a disposable pet dish were provided which is readily nestable and stackable with respect to other disposable pet dishes. In this way, a large number of disposable pet dishes can be stored, taking up a minimum of storage space.

As stated above, there are circumstances when having two pet dish bases side by side may be desirable, and there are other circumstances when a single, free standing disposable pet dish received in a single, free standing base would be desirable. In this respect, it would be desirable if single, free standing bases were modular and could be linked together to form a combined unit having two pet dish reception bases side by side.

Thus, while the foregoing body of prior art indicates it to be well known to use disposable pet dishes, the prior art described above does not teach or suggest a disposable insert containing pet dish apparatus which has the following combination of desirable features: (1) provides a support that is not skeleton-like and that provides optimum stability for the disposable pet dish; (2) provides a disposable pet dish which engages with its base on an inside portion of the base; (3) provides a base that can be freely moved from one location to another; (4) provides a single, free standing disposable pet dish that is received in a single, free standing base; (5) provides a lid for a disposable pet dish; (6) does not include an adhesive patch for affixing the base to a supporting surface; (7) is readily nestable and stackable with respect to other disposable pet dishes; and (8) provides modular single, free standing bases that can be linked together to form a combined unit having two pet dish reception bases side by side. The foregoing desired characteristics are provided by the unique disposable insert containing pet dish apparatus of the present invention as will be made apparent from the following description thereof. Other advantages of the present invention over the prior art also will be rendered evident.

SUMMARY OF THE INVENTION

To achieve the foregoing and other advantages, the present invention, briefly described, provides a pet dish apparatus which includes a dish-shaped base unit which has a first dish lock portion and includes a dish member received in the dish-shaped base unit. The dish member includes a second dish lock portion which is engageable with the first dish lock portion. The dish member is received in the dish-shaped base unit in a nesting manner. Preferably, the first dish lock portion is in a form of an annular groove, and the second dish lock portion is in a form of an annular tongue that fits into the annular groove.

The dish member includes a material reception region defined by a dish floor and a dish wall which extends upward from the dish floor. An annular peripheral top ring extends outward from the dish wall. The dish-shaped base unit includes a top ring-reception surface for receiving the top ring of the dish member.

Preferably, the dish wall includes a plurality of inwardly extending hollow hemispherical dish wall bulge portions,

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wherein each dish wall bulge portion includes an inner convex dish wall bulge surface and an outer concave dish wall bulge surface.

Preferably, the dish-shaped base unit includes a plurality of inner convex base unit wall bulges which fit into the outer concave dish wall bulge surfaces when the dish-shaped base unit receives the dish member. A plurality of the dish members are nestable with respect to each other during storage. A lid is provided for fitting tightly onto the top ring of the dish member.

With another embodiment of the invention, base-to-base interconnection means are provided for connecting a first pet dish apparatus to a second pet dish apparatus. The base-to-base interconnection means can be a dish member including an annular peripheral top ring in a form of a figure-eight.

The above brief description sets forth rather broadly the more important features of the present invention in order that the detailed description thereof that follows may be better understood, and in order that the present contributions to the art may be better appreciated. There are, of course, additional features of the invention that will be described hereinafter and which will be for the subject matter of the claims appended hereto.

In this respect, before explaining at least two preferred embodiments of the invention in detail, it is understood that the invention is not limited in its application to the details of the construction and to the arrangements of the components set forth in the following description or illustrated in the drawings. The invention is capable of other embodiments and of being practiced and carried out in various ways. Also, it is to be understood, that the phraseology and terminology employed herein are for the purpose of description and should not be regarded as limiting.

As such, those skilled in the art will appreciate that the conception, upon which disclosure is based, may readily be utilized as a basis for designing other structures, methods, and systems for carrying out the several purposes of the present invention. It is important, therefore, that the claims be regarded as including such equivalent constructions insofar as they do not depart from the spirit and scope of the present invention.

It is therefore an object of the present invention to provide a new and improved disposable insert containing pet dish apparatus which has all of the advantages of the prior art and none of the disadvantages.

It is another object of the present invention to provide a new and improved disposable insert containing pet dish apparatus which may be easily and efficiently manufactured and marketed.

It is a further object of the present invention to provide a new and improved disposable insert containing pet dish apparatus which is of durable and reliable construction.

An even further object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus which is susceptible of a low cost of manufacture with regard to both materials and labor, and which accordingly is then susceptible of low prices of sale to the consuming public, thereby making such disposable insert containing pet dish apparatus available to the buying public.

Still yet a further object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus which provides a support that is not skeleton-like and that provides optimum stability for the disposable pet dish.

Still another object of the present invention is to provide a new and improved disposable insert containing pet dish

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apparatus that provides a disposable pet dish which engages with its base on an inside portion of the base.

Yet another object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus which provides a base that can be freely moved from one location to another.

Even another object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus that provides a single, free standing disposable pet dish that is received in a single, free standing base.

Still a further object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus having a lid therefor to enhance portability and storage.

Yet another object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus that does not include an adhesive patch for affixing the base to a supporting surface.

Still another object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus which is readily nestable and stackable with respect to other disposable pet dishes.

Yet another object of the present invention is to provide a new and improved disposable insert containing pet dish apparatus that provides modular single, free standing bases that can be linked together to form a combined unit having two pet dish reception bases side by side.

These together with still other objects of the invention, along with the various features of novelty which characterize the invention, are pointed out with particularity in the claims annexed to and forming a part of this disclosure. For a better understanding of the invention, its operating advantages and the specific objects attained by its use, reference should be had to the accompanying drawings and descriptive matter in which there are illustrated preferred embodiments of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention will be better understood and the above objects as well as objects other than those set forth above will become more apparent after a study of the following detailed description thereof. Such description makes reference to the annexed drawing wherein:

FIG. 1 is a top perspective view showing a first embodiment of the disposable insert containing pet dish apparatus of the invention.

FIG. 2 is a top view of the embodiment of the disposable insert containing pet dish apparatus shown in FIG. 1.

FIG. 3 is an enlarged partial cross-sectional view of the embodiment of the disposable insert containing pet dish apparatus of FIG. 2 taken along line 3—3 thereof.

FIG. 4 is a partially exploded side view of the embodiment of the invention shown in FIGS. 1-3 which further includes a lid.

FIG. 5 is a fully exploded perspective view of the embodiment of the invention shown in FIG. 4.

FIG. 6 is a perspective view of a second embodiment of the invention which includes two pet dish apparatus units of the invention connected together.

DESCRIPTION OF THE PREFERRED EMBODIMENT

With reference to the drawings, a new and improved disposable insert containing pet dish apparatus embodying the principles and concepts of the present invention will be described.

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an annular peripheral top ring which extends outward from said dish wall. 2. The apparatus of claim 1 wherein said dish-shaped base unit includes a top ring-reception surface for receiving said top ring of said dish member. 3. The apparatus of claim 1, further including: a removable lid for fitting tightly onto said top ring of said dish member. 4. The apparatus of claim 1, further including: a base-to-base interconnection means for connecting a first pet dish apparatus to a second pet dish apparatus. 5. The apparatus of claim 4 wherein said base-to-base interconnection means is in a form of an annular peripheral top ring in a form of a figure-eight and which connects said first pet dish apparatus to said second pet dish apparatus. 6. The apparatus of claim 3 wherein said dish member includes a quantity of pre-filled material and said lid material is removed from said dish member until said lid is removed from said dish member. 7. The apparatus of claim 6 wherein said pre-filled material is selected from the group comprising pet food and water. 8. A pet dish apparatus, comprising: a dish-shaped base unit which includes a first dish lock portion in a form of an annular groove located on an inside surface of said dish-shaped base unit; a removable dish member received in said dish-shaped base unit; and a material reception region defined by a dish floor and an annular peripheral top ring which extends upward from said dish floor; and a removable lid for fitting tightly onto said top ring of said dish member.

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invention, a disposable insert containing pet dish apparatus provides modular single, free standing bases that can be linked together to form a combined unit having two pet dish reception bases side by side. Thus, while the present invention has been shown in the drawings and fully described above with particularity and detail in connection with what is presently deemed to be the most practical and preferred embodiment(s) of the invention, it will be apparent to those of ordinary skill in the art that many modifications thereof may be made without departing from the principles and concepts set forth herein, including, but not limited to, variations in size, materials, shape, form, function and manner of operation, assembly and use. For example, the base unit, dish unit and storage lids may be produced in various monochromatic or mixed colors to increase aesthetic appeal. Also, the removably insertable dish members may be made strong enough to be provided with pre-filled food or water preserved by a foil seal, or the lid, underneath the removable lid therefor. Hence, the proper scope of the present invention should be determined only by the broadest interpretation of the appended claims so as to encompass all such modifications as well as all relationships equivalent to those illustrated in the drawings and described in the application. Finally, it will be appreciated that the purpose of the annexed Abstract is to enable the U.S. Patent and Trademark Office and the public generally, and especially the scientists, engineers and practitioners in the art who are not familiar with patent or legal terms or phraseology, to determine quickly from a cursory inspection the nature and essence of the technical disclosure of the application. Accordingly, the Abstract is neither intended to define the invention or the application, which only is measured by the claims, nor is it intended to be limiting as to the scope of the invention in any way. What is claimed as being new and desired to be protected by Letters Patent of the United States is as follows: 1. A pet dish apparatus, comprising: a dish-shaped base unit which includes a first dish lock portion in a form of an annular groove located on an inside surface of said dish-shaped base unit; a dish member received in said dish-shaped base unit, wherein said dish member includes a second dish lock portion in a form of an annular groove located on an outside surface of said dish member that fits into said dish-shaped groove, wherein each dish wall bulge portion includes an inner convex dish wall bulge surface and an outer concave dish wall bulge surface when said dish-shaped base unit wall bulges where it fits into said inner convex base unit wall bulges where it fits into said outer concave dish wall bulge surfaces when said dish-shaped base unit is received in said dish-shaped base unit; and a material reception region defined by a dish floor and an annular peripheral top ring which extends upward from said dish floor; and a removable lid for fitting tightly onto said top ring of said dish member.